

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

NIKUNJ PATEL and ANUJA PATEL,

Plaintiffs,

v.

UR MENDOZA JADDOU, Director, U.S.
Citizenship and Immigration Services and
Antony Blinken, Secretary, U.S. Department of
State,

Defendants.

Civil Action No. 4:22-CV-11128-IT

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Now come Defendants, by and through their attorney, Rachael S. Rollins, United States Attorney for the District of Massachusetts, and hereby respectfully moves the Court to grant its Motion for Summary Judgment in the event the Court does not dismiss Plaintiffs' amended Complaints as Defendants seek in its Motion to Dismiss.

Under Fed. R. Civ. P. 56, summary judgment is appropriate when "the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). The filing of cross-motions for summary judgment does not alter these general standards; rather the court reviews each party's motion independently, viewing the facts and drawing inferences as required by the applicable standard, and determines, for each side, the appropriate ruling. *See Wightman v. Springfield Terminal Ry. Co.*, 100 F.3d 228, 230 (1st Cir. 1996).

As set forth in the accompanying memorandum of law, summary judgment in favor of the Defendants or dismissal of the amended Complaints pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) is appropriate.

Respectfully submitted,

RACHAEL S. ROLLINS
United States Attorney

Dated: November 16, 2022

By: /s/ Mark Sauter
Mark Sauter
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CERTIFICATE OF SERVICE

I, Mark Sauter, Assistant United States Attorney, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: November 16, 2022

By: /s/ Mark Sauter
Mark Sauter
Assistant United States Attorney

LOCAL RULE 7.1 CERTIFICATION

I, Mark Sauter, Assistant United States Attorney, hereby certify that I have conferred with counsel for Plaintiffs regarding this Motion in an attempt to narrow the issues before the Court.

Dated: November 16, 2022

By: /s/ Mark Sauter
Mark Sauter
Assistant United States Attorney